

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRATELLI COSULICH BUNKERS (HK), LTD., :
 :
Plaintiff, :
 :
- against - :
 :
FAIR WIND SHIPPING CO., LTD., :
 :
Defendant. :
-----X

07 Civ. 0995 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, having notified the Court, by letter dated December 6, 2007, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining

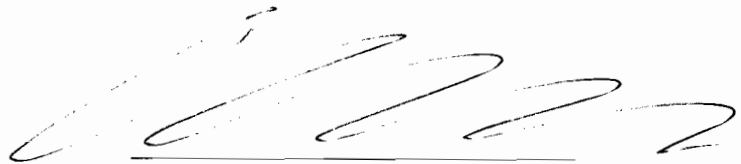
pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
7 December 2007

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

Victor Marrero
U.S.D.J.

LENNON, MURPHY & LENNON, LLC - Attorneys at Law

The GrayBar Building
420 Lexington Ave., Suite 300
New York, NY 10170
phone (212) 490-6050
fax (212) 490-6070

Patrick F. Lennon - pfl@lenmur.com
Charles E. Murphy - cem@lenmur.com
Kevin J. Lennon - kjl@lenmur.com
Nancy R. Peterson - nrp@lenmur.com

Tide Mill Landing
2425 Post Road
Southport, CT 06890
phone (203) 256-8600
fax (203) 256-8615

December 6, 2007

Via Facsimile: (212) 805-6382

Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Chambers Room 660
New York, NY 10007

**Re: Fratelli Cosulich Bunkers (HK), Ltd. v. Fair Wind Shipping Co., Ltd.
Docket #: 07 Civ. 0995 (VM)
LML ref no.: 1089**

Honorable Sir:

We represent the plaintiff, Fratelli Cosulich Bunkers (HK), Ltd., in the above-captioned admiralty case, which is presently on the suspense docket, and write to provide the Court with a status report. Defendant Fair Wind Shipping Co., Ltd. has not appeared in this action.

We write to advise the Court that the parties have agreed in principle to settle the underlying claim whereby defendant would pay the plaintiff from the funds presently under attachment in New York. Hong Kong counsel for the plaintiff is negotiating the details with defendant and shall reduce the tentative agreement into a formal writing. Once this is done, we intend to provide the Court with a proposed turn over order that instructs garnishee bank Citibank precisely how to release the restrained funds.

Respectfully submitted,



Charles E. Murphy

CEM/bhs